

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

NATIONAL ASSOCIATION OF REGULATORY)	
UTILITY COMMISSIONERS, <i>ET AL.</i> ,)	
)	
<i>Petitioners</i> ,)	
)	
v.)	Nos. 19-1142 and
)	19-1147 (consol.)
FEDERAL ENERGY REGULATORY COMMISSION)	
)	
<i>Respondent</i> .)	
)	

NON-BINDING STATEMENT OF ISSUES TO BE RAISED

In accordance with this Court's order of July 17, 2019 (Doc. # 1797628), the National Association of Regulatory Utility Commissioners, petitioner in No. 19-1142, submits this non-binding statement of issues to be raised:

1. Whether the Federal Energy Regulatory Commission (“FERC”) exceeded its statutory authority by declaring that states and local regulatory authorities cannot decide whether electric storage resources in their state that are located behind a retail meter or on the distribution system are permitted to participate in the regional transmission organization/independent system operator markets through the electric storage resource participation model; and

2. Whether FERC acted arbitrarily and capriciously, abused its discretion, or otherwise acted not in accordance with law by denying states and local regulatory authorities the ability to determine whether energy storage resources located on a distribution line or behind a retail meter should be able to participate in wholesale electric markets based on the authority reserved to the state and local regulatory authorities under the Federal Power Act and in consideration of the impact on the reliability and operations of and costs to local distribution systems and retail electric service.

Respectfully submitted,

/s/ Jennifer M. Murphy

James Bradford Ramsay
General Counsel
Jennifer M. Murphy
Dir. of Energy Policy and Sr.
Counsel
National Association of Regulatory
Utility Commissioners
1101 Vermont Ave, NW, Suite 200
Washington, DC 20005
(202) 898-1350

Dated: August 16, 2019